

3609. Adulteration and misbranding of powdered nutgall. U. S. v. James G. Shaw et al. (Thurston & Braidich). Plea of guilty. Fine, \$15. (F. & D. No. 5677. I. S. No. 37269-e.)

On December 8, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James G. Shaw, J. Edward Young, jr., and Charles R. Rosevear, copartners, trading under the firm name and style of Thurston & Braidich, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on April 8, 1912, from the State of New York into the State of California, of a quantity of powdered nutgall which was adulterated and misbranded. The product was labeled: "Powdered Nutgall 50 lbs. T & B."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that tissues of U. S. P. galls were lacking; some tissues resembling that of Myrobalans were found, but other tissues were also present. It was also disclosed that the product consisted largely, probably at least 75 per cent, of stone cells, which do not belong to nutgalls and do not come from that drug, but from some fruit stone. Some of the fruit stones were difficult to identify absolutely, but they probably were olive stones. It also appeared that the product was a fine powder, composed of not over 25 per cent nutgalls (Aleppo), the balance being nutshells, which shells were foreign matter.

Adulteration of the product was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, to wit, nutgall, and it differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia official at the time of investigation, in that said article did not consist entirely of nutgalls as prescribed in said Pharmacopœia, but consisted in part of another substance; nor was the standard of strength, quality, and purity of said article plainly stated upon the box or container containing the said article. Misbranding was alleged for the reason that the statement "Powdered Nutgall," appearing on the box or container containing said article and regarding said article and the ingredients and substances therein contained, was false and misleading in that it indicated that said article was powdered nutgall, whereas, in truth and in fact, it was not powdered nutgall, but was a mixture of powdered nutgall and another substance. Misbranding was alleged for the further reason that the product was offered for sale under the name of another article, to wit, powdered nutgall, whereas, in truth and in fact, said article was not powdered nutgall, but was a mixture of powdered nutgall and another substance.

On December 14, 1914, a plea of guilty was entered on behalf of the defendant firm, and the court imposed a fine of \$15.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., March 23, 1915.